

STATEMENT OF PURPOSE

RS25254

This legislation changes the current code regarding civil asset forfeitures in several regards. Notably, modifications include: (1) vehicles would not be subject to forfeiture in connection with mere possession of a controlled substance; they would have to have been used in connection with trafficking offenses as enumerated, or to comprise ill-gotten gains; (2) property that is merely in proximity to a controlled substance is not subject to forfeiture absent a meaningful connection to a violation of the chapter; (3) mere presence of U.S. currency is not sufficient cause for a seizure or forfeiture; (4) creating a right of replevin of property while proceedings are pending provided the owners can show necessity and security; (5) courts must determine whether a property forfeiture is proportionate to the crime alleged, as is currently reflected in case law; (6) an obsolete publication provision is removed; (7) innocent owners are absolved of having to pay the state's costs associated with the seizure; (8) law enforcement may not bypass the disposition procedures and retain property without judicial approval; and (9) reporting requirements regarding forfeited property are instituted.

FISCAL NOTE

There is no impact to the General Fund. There will be minimal if any impact to other state funds. The Idaho State Police and counties receive proceeds of forfeited property. However, law enforcement indicates that they are already adhering to standards that would be codified by this legislation, therefore there should be little if any impact to county and ISP funds.

Contact:

Representative Ilana Rubel
(208) 332-1034
Representative Steven Harris
(208) 332-1043

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).